

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Daniel Michael Bragg, #15432,)	
)	C/A No. 2:11-0961-MBS-BHH
Plaintiff,)	
)	
vs.)	
)	ORDER
Henry Dargan McMaster, South Carolina)	
Attorney General; Greg Mullen, Chief,)	
Charleston Police Department, in their)	
individual capacities and/or in their)	
official capacities,)	
)	
Defendants.)	
)	

Plaintiff Daniel Michael Bragg is a pretrial detainee who currently is housed at the Charleston County Detention Center in Charleston, South Carolina. Plaintiff, proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983, alleging that his constitutional rights were violated incident to his arrest on February 5, 2010 for possession of heroin.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act. On April 27, 2011, the Magistrate Judge issued a Report and Recommendation in which she noted that Plaintiff named Defendant McMaster “because Any Potential Civil Suit (State or Federal) against the State or Governmental Entity or agency must be Served on the Attorney General.” Compl. 4 (ECF No. 1). The Magistrate Judge determined that Defendant McMaster is entitled to summary dismissal because the doctrine of respondeat superior is not applicable in § 1983 actions, and because Defendant McMaster was not in a supervisory

position over the City of Charleston Police Department. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendant McMaster is dismissed without prejudice and without issuance and service of process on him. The action is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

June 3, 2011.